

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

OFFICE OF INSPECTOR GENERAL OFFICE OF INVESTIGATIONS

DATE: February 24, 2023 **PREPARED BY:** SA (b) (6), (b) (7)(C)

CASE #: OI-PH-2022-ADM-0112 CROSS REFERENCE #: N/A

TITLE: Internal Matter

CASE CLOSING REPORT

Subject	Location	Other Data
(b) (6), (b) (7)(C)	Washington, DC	(b) (6), (b) (7)(C) EPA OIG (b) (6), (b) (7)(C)

VIOLATIONS:

- 1. OIG OI Procedure 201
- OIG OI Procedure 204
- 3. OIG OI Procedure 211
- 4. OIG OI Procedure 217
- 5. EPA Order 3120.1 Appendix, Table of Offenses and Penalties, 16

ALLEGATION:

It was a	alleged that (b)	6), (b) (7)(C)						
	Environmental	Protection	Agency	(EPA),	Office of	Inspector	General	(OIG),	(b) (6), (b) (7)(C)
	viola	ted several (OIG Proc	edures re	elative to	handling	of a cond	uct issue	involving
(b) (6)), (b) (7)(C)								
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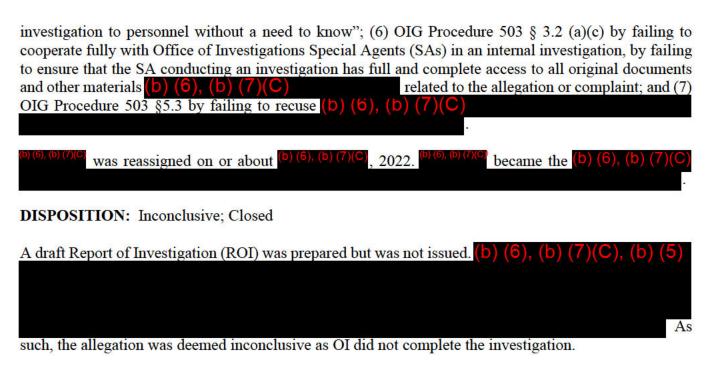
FINDINGS:

Preliminary interviews and document reviews by the OIG identified facts sufficient to support alleged misconduct on behalf of Specifically, preliminarily determined violated: (1) OIG Procedure 204 §1.10(d) by failing to adequately secure agency issued firearm in accordance with current procedures; (2) OIG Procedure 211 §2.1(a) by failing to properly mark and preserve evidence; (3) OIG Procedure 201 §2.3 by failing to act impartially and by failing to "make every reasonable effort not to unnecessarily damage the reputations of those individuals whose activities are being investigated"; (4) OIG Procedure 201 §2.5 by failing to immediately notify the AIGI or designee, through their SAC, of any misconduct or criminal activity by a co-worker and instead unilaterally conducting an investigation; (5) OIG Procedure 201 §2.8 relative to disclosure of information by disclosing information about an

RESTRICTED INFORMATION

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The investigation was presented for criminal prosecution to the DOJ's Fraud and Public Corruption Section, District of Columbia and was declined (b) (5)

the Agency effective (b) (6), (b) (7)(c) 2022. OI senior management has directed this matter be closed. As

such, this investigation is closed in this office with no further action.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460 OFFICE OF INSPECTOR GENERAL OFFICE OF INVESTIGATIONS

CLOSING REPORT OF INVESTIGATION

(b) (6), (b) (7)(C) GS-15, (b) (6), (b) (7)(C)

OI-HQ-2021-OTH-0041

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Distribution:

Submitted by:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Special Agent Office of Investigations South Eastern Field Office

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OFFICE OF INSPECTOR GENERAL OFFICE OF INVESTIGATIONS

CASE NO.: OI-HQ-2021-OTH-0041 DATE OPENED: 07/27/21

(b) (6), (b) (*1)*(CASE TITLE: **GS-15** CASE AGENT(s):

Employee Integrity Electronic Crimes Division CASE CATEGORY: OFFICE:

JOINT AGENCIES: Fairfax County Police JURISDICTION: Fairfax, VA

Department

SECTION A - NARRATIVE

Introduction

On July 22, 2021, the U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigation (OI), Electronic Crimes Division (ECD), Washington, D.C., received a notification from Detective (Det) (b) (6), (b) (7) (C)

Fairfax County Police Department (FCPD), that (b) (6), (b) (7)(C) GS15, (b)

EPA, was under investigation by

FCPD for unlawfully filming an unclothed minor.

As a result, ECD opened an investigation to assist FCPD in determining if:

violated Code of Virginia §18.2-386.1: Unlawful creation of image of another.

violated Code of Virginia §18.2-130.1: Peeping or spying into dwelling or occupied building by electronic device; and

Possible Violations

- 1. Code of Virginia §18.2-386.1: Unlawful creation of image of another: It shall be unlawful for any person to knowingly and intentionally create any video graphic or still image by any means whatsoever of any nonconsenting person if (i) that person is totally nude, clad in undergarments, or in a state of undress so as to expose the genitals, pubic area, buttocks or female breast in a restroom, dressing room, locker room, hotel room, motel room, tanning bed, tanning booth, bedroom or other locations.
- 2. Code of Virginia §18.2-130.1: Peeping or spying into dwelling or occupied building by electronic device: It is unlawful for any person to knowingly and intentionally cause an electronic device to enter the property of another to secretly or furtively peep or spy or attempt to peep or spy into or through a window, door, or other aperture of any building, structure, or other enclosure occupied or intended for occupancy as a dwelling, whether or not such building, structure, or enclosure is permanently situated or transportable and whether or not such occupancy is permanent or temporary, or to do the same, without

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OI-HQ-2021-OTH-0041

just cause, upon property owned by him and leased or rented to another under circumstances that would violate the occupant's reasonable expectation of privacy.

Synopsis

The investigation identified facts and evidence sufficient to support the allegations that: 1) violated Code of Virginia §18.2-386.1(A), Unlawful creation of image of another; 2) violated Code of Virginia §18.2-130.1, Peeping or spying into dwelling or occupied building by electronic device.

On (6) (6) (7) (6), 2022, billion (7) (7) pleaded guilty and was convicted of two misdemeanor charges of violating Code of Virginia §18.2-386.1(A), Unlawful creation of image of another; and §18.2-130.1, Peeping or spying into dwelling or occupied building by electronic device.

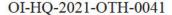
On (b) (6), (b) (7)(c), 2022, (b) (6), (b) (7)(c) was suspended by EPA from pay and duty for 30 calendar days effective from (b) (6), (b) (7)(c), 2022, through (b) (6), (b) (7)(c), 2022, and (c) (6), (b) (7)(c), 2022.

Details

On July 19, 2021, FCPD received a referral from Fairfax County, VA, Child Protective Services (CPS) attempted to video record (b) (6), (b) (7)(C) while in the shower with his cellular telephone. According to statements made by the victim to a clinical psychologist which attempted to video record the victim on two separate occasions. A prompted the CPS referral. forensic interview of the victim conducted by Det. corroborated the CPS report. Det. subsequently obtained a search warrant for evidence of violations of Code of Virginia §18.2-386.1(D), Unlawful creation of image of another under the age of 18., and served the warrant on residence, located at (b) (6), (b) (7)(C) . Det. requested assistance from SA (b) (6), (b) (7)(C), ECD, after seizing a locked EPA issued cellular phone coordinated with (b) (b) (c) (b) (f)(c), Mobile Device Operations Lead, U.S EPA End User Services, who remotely removed the passcode to the EPA cell phone. A forensic analysis of the phone by FCPD found no evidence related to this investigation.

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On 5,2021, 2021, 2021, 3,2021,

ECD provided a referral memorandum to EPA Labor and Employee Relations (LER) on August 25, 2021, pertaining to the alleged illegal substance abuse by the laboratory who refused to answer questions.

was placed on administrative leave by his supervisor following his (b) (6), (b) (7)(C), 2022, pleading, and remained on administrative leave through suspension for 30 days.

On (b) (6), (b) (7)(c), 2022, (b) (6), (b) (7)(c) was suspended by EPA from pay and duty for 30 calendar days effective from (b) (6), (b) (7)(c), 2022, through (b) (6), (b) (7)(c), 2022, and (c) (6), (b) (7)(c), 2022.

Disposition

No further investigate activities are warranted at this time and this investigation will be closed.

SECTION B - ENTITIES AND INDIVIDUALS

Name: (b) (6), (b) (7)(C)

Title & Company: (b) (6), (b) (7)(C)

Role: Subject

Business Address: 1200 Pennsylvania Ave., Washington D.C. 20460

EPA Employee: Yes, GS-15

SECTION C - PROSECUTIVE STATUS

On August 25, 2021, ECD provided a referral memorandum to EPA Labor and Employee Relations advising EPA of alleged illegal substance abuse by (1) (5) (5) (7) (5)

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On (b) (6), (b) (7)(c) 2022, (b) (6), (b) (7)(c) pleaded guilty and was convicted of two misdemeanor charges of violating Code of Virginia §18.2-386.1(A), Unlawful creation of image of another; and §18.2-130.1, Peeping or spying into dwelling or occupied building by electronic device. Subsequently,

On (b) (6), (b) (7)(C) 2022, (b) (6), (b) (7)(C) was suspended by EPA from pay and duty for 30 calendar days effective from (b) (6), (b) (7)(C), 2022, through (b) (6), (b) (7)(C), 2022.

EXHIBITS

- 1. Memorandum of Activity: Case Initiation, July 27, 2021.
- 2. Memorandum of Activity: Investigative Report and Apple Warrant, (6) (6), (6) (7)(6), (6) (7)(6), (6) (7)(6), (7)(6)
- 3. Memorandum of Activity: Arrest Warrant, 2021.
- 5. Investigative Referral, Labor and Employee Relations, August 25, 2021
- 6. Significant Incident Report: Arrest and Disposition of (b) (6), (b) (7)(c) (c) (6), (b) (7)(c) 2022.
- 7. Warrant of Arrest: Count 1, (b) (6), (b) (7)(c) 2022.
- 8. Warrant of Arrest: Count 2, (b) (6), (b) (7)(c) 2022.
- 9. Disposition Notice, (b) (6), (b) (7)(c), 2022.
- 10. Memorandum of Activity: Coordination Office of General Counsel, August 2, 2022.
- 11. Significant Incident Report: Notice of Proposed Suspension, August 8, 2022.
- 12. Significant Incident Report: Decision on Proposed Suspension, October 12, 2022.